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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,560	08/10/2001	Ronald E. Sloan	60021-375502	6833

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OPPENHEIMER WOLFF & DONNELLY, LLP
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EXAMINER

GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/927,560	Applicant(s) SLOAN ET AL.	
	Examiner Jocelyn Greimel	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :9/19/06, 11/03/06, 02/12/07, 03/07/07.

DETAILED ACTION

1. This communication is in response to Applicant's Amendments and Remarks filed 24 January 2007.

Status of Claims

2. Claims 1, 3, 9, 12, 18 and 20 are currently amended. Claims 2, 11 and 19 were cancelled. Claims 1, 3-10, 12-18 and 20-25 are pending.

Response to Arguments

3. The objection to the abstract is withdrawn.
4. Applicant's arguments with respect to claims 1, 3-10, 12-18 and 20-25 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 3-10, 12-18 and 20-25 are rejected under 35 U.S.C. 103(a) as being obvious over Jones (US Patent No. 6,021,397) in view of Wren (US Patent No. 6,055,514) and further in view of Killeen (US Patent No. 6,324,523).** In reference to claims 1, 6-8, 9, 14-17, 18 and 20-25, Jones discloses a *method, system, apparatus and computer readable medium* for providing online web-based financial counseling over a wide area network such as the Internet, comprising:

- a. developing a service level agreement with a user which includes a desired service level wherein developing a service level agreement comprises:
 - i. prompting the user to input personal financial information;

- ii. receiving from the user a desired service level selected from a plurality of available service levels;
 - iii. estimating profitability based on the financial information; and
 - iv. negotiating fees to be charged to the user based upon estimating profitability and the desired level of service;
- b. developing a financial model for the user utilizing at least one of computer coaching and live coaching wherein the coaching includes permitting the user to enter a dialogue with at least one of a computer-generated coach and a live-coach over the Internet as determined by the service level agreement; and
- c. using the financial model utilizing at least one of said computer coaching and said live coaching as determined by said service level.
8. Jones fails to teach developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement. Wren discloses developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement (col. 9, line 2 – col. 17, line 29). It would have been obvious to one having ordinary skill in the art at the time of the invention for Jones'

computerized financial model system to use a live coach as disclosed by Wren as the live interaction would aid in customer service and improve the interaction and financial preparation between the financial corporation and the client.

9. Jones and Wren do not disclose a selection of a desired service level from a plurality of available service levels. However, Killeen discloses selecting an amount of coaching advice and a selection of a type of financial product configuration, which is a selection of service level (see at least table 1: "service entitlement summary"). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have modified the financial modeling system with various types of coaching, as in Jones and Wren, with the ability to select a service level from a variety of service levels as in Killeen as it would create a more user-oriented service as the user can select exactly what type of system they need, thereby increasing system use and provider profitability.
10. Additionally, in reference to claims 3, 4, 5, 10, Jones discloses a financial counseling system wherein:
 - a. The service level agreement includes a determination of access to at least one account of a user (col. 3, line 30 – col. 4, line 59; col. 5, line 50 – col. 6, line 2; col. 6, line 3 – col. 7, line 10);

- b. The financial model includes developing a user's equity investment portfolio (col. 3, line 30 – col. 4, line 59; col. 5, line 50 – col. 6, line 2; col. 6, line 3 – col. 7, line 10);
- c. Determining the financial goals of the user and the user's risk tolerance, determining the current equity positions of a user, and suggesting new equity positions for a user (col. 3, line 30 – col. 4, line 59; col. 5, line 50 – col. 6, line 2; col. 6, line 3 – col. 7, line 10);
- d. The wide area network is the Internet (col. 7, lines 50-60).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

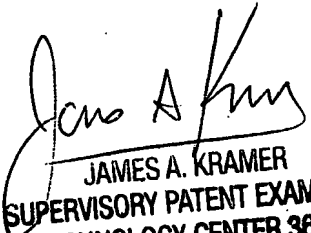
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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel

Examiner, Art Unit 3693

April 26, 2007

 4/30/07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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